

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Jacquell Antonio McCullum,

Plaintiff,

vs.

Sheriff Al Cannon, in his individual and
official capacity; Dr. Theodore Jacobs, in his
individual and official capacity; Nurse Woods,
Nurse for Carolina Center of Occupational
Health, in his/her individual and official
capacity; and Unknown Defendant,

Defendants.

C/A No. 1:20-1075-JFA-SVH

ORDER

Jacquell Antonio McCullum (“Plaintiff”), proceeding *pro se*, filed this action under 42 U.S.C. §1983 alleging violations of his constitutional rights. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss this action with prejudice and without issuance and service of process. (ECF No. 14). The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

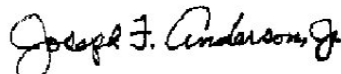
On March 17, 2020, Plaintiff filed this action. On March 20, 2020, the Magistrate Judge issued an Order giving Plaintiff the opportunity to correct the defects in his amended complaint and further warned Plaintiff that if he failed to cure the identified deficiencies, the Magistrate Judge would recommend to the district court that the action be dismissed without leave for further amendment. (ECF No. 8). On April 6, 2020, Plaintiff filed a motion for extension of time which the Magistrate Judge granted allowing Plaintiff an extension until May 8, 2020 to file an amended complaint.

On May 20, 2020, the Magistrate Judge filed the Report recommending this action be dismissed. The Magistrate Judge also advised Plaintiff of his right to object to the Report and Recommendation by June 3, 2020. However, Plaintiff failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 14). Therefore, Plaintiff's Complaint (ECF No. 1) is dismissed with prejudice and without issuance and service of process.

IT IS SO ORDERED.

July 6, 2020
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge